

NOTICE PUBLICATION/REGULATIONS SUBMISSION

PRINT

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2020-0220-03P	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

FEB 20 2020

1:04 PM

2020 FEB 20 P 2:50
OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY

Board of Governors of the California Community Colleges

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE N/A		TITLE(S) N/A	FIRST SECTION AFFECTED N/A	2. REQUESTED PUBLICATION DATE N/A
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON N/A	TELEPHONE NUMBER N/A	FAX NUMBER (Optional) N/A
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Emergency Conditions Allowances	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 25, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 58146
	REPEAL
TITLE(S) 5	

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input checked="" type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>Authority - Ed. Code section 70901.5</u>	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d), Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <u>30 days after filed w/Secretary of State</u>
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Tanya Bosch - Regulations Coordinator	TELEPHONE NUMBER (916) 445-4826	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

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SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE
TYPED NAME AND TITLE OF SIGNATORY Marc A. LeForestier, General Counsel	

Attachment 1

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING

FISCAL SUPPORT – FINAL

1. Section 58146 of article 5 of subchapter 2 of chapter 9 of division 6 of title 5 of the California Code of Regulations is amended to read:

§58146. Emergency Conditions Allowance for Districts Unable to Maintain School College for Prescribed Time; Full-Time Equivalent Student General Purpose Apportionments Materially Decreased.

~~(a) An emergency conditions allowance may be provided, subject to approval by the Chancellor, A to a district which is prevented from maintaining its schools during a fiscal year for at least 175 days because of affected by an emergency or extraordinary condition, as defined pursuant to subdivision (b). fire, flood, or epidemic, or because of any order of any military officer of the United States or of the state to meet an emergency created by war, or of any civil officer of the United States, of the state, or of any county, city and county, or city authorized to issue such order to meet an emergency created by war, or because of other extraordinary conditions, or because of the inability to secure or to hold an instructor, or because of the illness of the instructor, where the lack of an instructor would close a college, which fact shall be shown to the satisfaction of the Board of Governors by the affidavits of the members of the governing board of the district, The allowance shall be calculated to approximate receive the same general purpose apportionments from the State School Fund as the district it would have received had it not been so prevented from maintaining school for at least 175 days.the emergency not occurred.~~

~~(b) Where a community college in a district maintaining more than one community college is closed for a part of a term by order of a city or county board of health or of the State Board of Health, or because of fire, flood, impassable roads, epidemic, or other~~

~~emergency, or by an order provided for in (a), the full-time equivalent student of the community college shall be estimated separately, as provided in (c), and added to the full-time equivalent student of the other community colleges of the district.~~

~~(e)(b) Whenever the full-time equivalent student of any district during any fiscal year has been An emergency or extraordinary condition is defined as one of the following that specifically causes the district to be prevented from maintaining its schools during that fiscal year for at least 175 days or the general purpose apportionments of a district calculated pursuant to Education Code section 84750.4 or 84750.5 to be materially decreased during any fiscal year because of: in that year or subsequent years:~~

~~(1) fire,~~

~~(2) flood,~~

~~(3) earthquake,~~

~~(3)(4) impassable roads,~~

~~(4)(5) an epidemic,~~

~~(5)(6) the imminence of a major safety hazard as determined by the local law enforcement agency,~~

~~(6)(7) a strike involving transportation services to students provided by a nondistrict entity,~~

~~(7)(8) the unavailability of classroom facilities leased by the district where the unavailability commences July 1, 2005, or thereafter and is caused by extraordinary factors wholly external to and beyond the control of the district, or~~

~~(8)(9) an order provided for in (a). The facts demonstrating the applicability of one of the circumstances described in this subdivision shall be established to the satisfaction of the Chancellor by affidavits of the members of the governing board of the district.~~

~~The funding workload measures of the district for the fiscal year shall be estimated by the Board of Governors in such manner as to credit to the district from the State School Fund approximately the total which would have been credited to the district had the emergency not occurred or had the order not been issued. The provisions of this section shall apply to any funding workload measure which occurs during any part of a fiscal year. any order of any military officer of the United States or of the state to meet an emergency created by war, or of any civil officer of the United States, of the~~

state, or of any county, city and county, or city authorized to issue such order to meet an emergency created by war,

(10) an order of a city or county board of health or of the State Board of Health, or

(11) another emergency declared by the state government or the federal government.

(c) The facts demonstrating the applicability of one of the circumstances described in subdivision (b) shall be established to the satisfaction of the Chancellor by affidavits of the members of the governing board of the district.

(d) As a condition to receiving the credit under subdivision (c), an emergency conditions allowance, the district must demonstrate to the satisfaction of the Chancellor that it made good faith efforts to seek alternate facilities that were unaffected by the circumstances described in subdivision (c); avoid a material decrease in the general purpose apportionments of a district calculated pursuant to Education Code section 84750.4 or 84750.5.

(e) No credit under subdivision (c) will be allowed for the unavailability of facilities for more than one full term beyond the beginning of the circumstances described in subdivision (c) unless authorized by the Board of Governors.

Note: Authority cited: Sections 66700, and 70901, 84750.4 and 84750.5, Education Code.
Reference: Section 70901, Education Code.